

ENTERED

October 21, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISIONMIKE YELLEN, *et al.*,

Plaintiffs,

VS.

JOE BIDEN, PRESIDENT UNITED
STATES OF AMERICA, *et al.*,

Defendants.

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3:24-cv-297

ORDER

The court hereby orders the plaintiffs to file a letter addressing whether venue is proper in this court and, if not, which alternative venue would be appropriate. The allegations in the complaint, Dkt. 1, convey “no obvious factual nexus to the Galveston Division.” *See* Gal. Div. R. Prac. 15. The court will retain jurisdiction only upon sufficient showing that this case meets the private- and public-interest factors illustrated in *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315–16 (5th Cir. 2008). Without that showing, this court “may transfer any civil action to any other district or division where it might have been brought” if it is “in the interest of justice.” 28 U.S.C. § 1404(a). Transfers by a court *sua sponte* are a “long-approved practice,” provided the parties have notice and an opportunity to show cause and the court exercises sound discretion. *Tazoe v. Airbus S.A.S.*, 631 F.3d 1321, 1336 (11th Cir. 2011);

see also Mills v. Beech Aircraft Corp., Inc., 886 F.2d 758, 761 (5th Cir. 1989) (finding *sua sponte* venue transfer proper following a court letter considering venue transfer that permitted party response before effectuating transfer).

The plaintiffs have until November 4, 2024, to submit their letter. If they do not do so and/or concede that this case has no factual nexus to the Galveston Division, the court will transfer the case to a more appropriate division. If the plaintiffs file a letter arguing that the case should remain in this division, the defendants will have until November 11, 2024, to respond.

Signed on Galveston Island this 21st day of October 2024.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE